

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Amendment of Sections 90.20 and 90.175 of the</b>	)	<b>WT Docket No. 02-285</b>
<b>Commission's Rules for Frequency Coordination</b>	)	<b>RM-10077</b>
<b>Of Public Safety Frequencies in the Private Land</b>	)	
<b>Mobile Radio Below-470 MHz Band</b>	)	

**Comments of the Industrial Telecommunications Association, Inc.**

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its comments in response to the Commission's *Notice of Proposed Rulemaking* (NPRM) in the above-referenced matter.<sup>1</sup> The NPRM seeks comment on amendments to Section's 90.20<sup>2</sup> and 90.175<sup>3</sup> of its rules to expand competition in frequency coordination services in the public safety pool below 470 MHz.<sup>4</sup> As discussed in more detail below, ITA urges the Commission to expand competition in frequency coordination services in all public safety (P/S) and industrial/business (I/B) radio pools below 470 MHz to all FCC-certified P/S and I/B frequency coordinators.

**I. Statement of Interest**

ITA is a Commission-certified frequency advisory committee coordinating in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate

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<sup>1</sup> See Amendment of Sections 90.20 and 90.175 of the Commission's Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-470 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 02-285 (rel. Sept. 19, 2002) (NPRM).

<sup>2</sup> 47 C.F.R. § 90.20.

<sup>3</sup> 47 C.F.R. § 90.175.

business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a membership including more than 3,500 licensed two-way land mobile radio communications users, including many public safety pool eligibles; private mobile radio service (PMRS) oriented radio dealer organizations, virtually all of which supply local public safety entities with communications equipment tailored to their regions specific communication needs; and the following trade associations:

- Alliance of Motion Picture and Television Producers
- Aeronautical Radio, Inc.
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Mining Association
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

## **II. Background**

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<sup>4</sup> NPRM at ¶ 1.

The P/S and I/B pools of frequencies under Part 90 of the Commission's rules continue to undergo scrutiny to determine if increased competition in frequency coordination will promote the provision of these respective services to the public. In 1997, the Commission consolidated twenty private land mobile radio services (PMRS) into these two pools of frequencies, introducing competition into the I/B pool and the Local Government Radio Service within the P/S pool.<sup>5</sup> The Commission also established competitive frequency coordination procedures for public safety services in the 700 MHz band in 1998<sup>6</sup> and for public safety pool channels in the 800 MHz band in 2001.<sup>7</sup> In addition, the Commission recognized the benefits of competitive coordination services at 800 MHz and 900 MHz by opening up coordination in both the business and industrial/land transportation pools to ITA, MRFAC, Inc., Personal Communications Industry Association, the United Telecom Council, and subsequently to the Forest Industries Telecommunications and the American Mobile Telecommunications Association, Inc.<sup>8</sup>

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<sup>5</sup> See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235 (rel. Mar. 12, 1997) (Refarming Second Report and Order). As noted by the Commission in its NPRM, competition in the Local Government Radio Service has been successful to date.

<sup>6</sup> See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service, *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86 (1998).

<sup>7</sup> See, International Association of Fire Chiefs, Inc., and International Municipal Signal Association Informal Request for Certification as a Frequency Coordinator for PLMR 800 MHz and 900 MHz Public Safety Frequencies; and American Association of State Highway and Transportation Officials, Informal Request for Certification as a Frequency Coordinator for PLMR 800 MHz Public Safety Frequencies, *Order* (rel. July 25, 2001).

<sup>8</sup> See, United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands, *Order*, DA 01-944 (rel. Apr. 18, 2001) which certified ITA, MRFAC, PCIA and UTC to coordinate 800 MHz and 900 MHz business and industrial/land transportation frequencies (800/900 Competition Order). See also, Wireless Telecommunications Bureau Announces that Forest Industries Telecommunications is Certified as a Frequency Coordinator for 800/900 MHz Business and Industrial/Land Transportation Frequencies, *Public Notice*, DA 01-1474 (rel. Jun. 22, 2001). See also, Wireless Telecommunications Bureau Announces that American Mobile

On February 21, 2001, the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed a Petition for Rulemaking seeking to introduce competition in public safety frequency coordination services below 512 MHz.<sup>9</sup> The Commission now seeks comment on APCO's Petition, while also inviting comments on other alternatives and proposals that could improve frequency coordination procedures in the P/S pool.<sup>10</sup>

### III. Discussion

ITA believes that the Commission should introduce competition in all PMRS pools; specifically, permitting frequency coordination to be performed by any FCC-certified Part 90 coordinator for both the P/S and I/B pools below 470 MHz.<sup>11</sup> Under this scenario, the allocation of frequencies, *i.e.* the distinct P/S and I/B pools, would remain unaltered, but instead of going through a designated P/S or I/B frequency coordinator, an applicant could request frequency coordination from any FCC-certified coordinator. For example, a public safety applicant could employ the services of an I/B frequency coordinator to select an appropriate channel in the P/S pool. Likewise, an I/B applicant could select a P/S pool coordinator to find the appropriate I/B Pool channels.<sup>12</sup>

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Telecommunications Association, Inc., is Certified as a Frequency Coordinator for 800/900 MHz Business and Industrial/Land Transportation Frequencies, *Public Notice*, DA 01-1537 (rel. Jun. 29, 2001).

<sup>9</sup> See Association of Public-Safety Communications Officials-International, Inc., *Petition for Rulemaking*, RM-10077, filed on February 21, 2001 (Petition).

<sup>10</sup> NPRM at ¶ 1, 29-30.

<sup>11</sup> ITA would further recommend that the Commission introduce competition for all P/S and I/B coordination services at 700 MHz, 800 MHz and 900 MHz, in addition to the spectrum below 512 MHz. ITA recently filed an Informal Request for Certification to coordinate the 929-930 MHz paging services, as well as Special Emergency Services below 512 MHz, and would recommend that the Commission specifically introduce competition in these services to all FCC-certified PMRS frequency coordinators. See ITA Informal Request for Certification To Coordinate 929-930 MHz Paging Frequencies and Special Emergency Frequencies under Part 90 of the Commission's Rules, *Informal Request for Certification*, (filed on June 27, 2002).

<sup>12</sup> It should be noted that electing this option is just that: an option. No P/S applicant should be

As the Commission, itself, noted, “ULS has increased cooperation among all FCC-certified frequency coordinators” and “has made it easier for coordinators to communicate and to share information.”<sup>13</sup> ITA agrees. Furthermore, under the current ULS licensing system, coordination in the P/S and I/B pools will not require any changes to a coordinator’s system. A frequency coordinator could begin processing applications immediately since it is commonplace for all coordinators to share and upload new data from other coordinators, including P/S and I/B pool applications, on a daily basis. Even if a coordinator did not upload new data directly from other certified coordinators, it could upload new data from the ULS database on a daily basis.<sup>14</sup> Under a competitive structure, frequency coordinators would continue to notify the other coordinators of actions taken in both the P/S and I/B pools. Since the coordinators exchange information daily, the services provided by coordinators would not be disrupted.

Competitive coordination would also promote the public interest. As the Commission noted in the 800/900 MHz Competition Order, “the introduction of competitive PLMR coordination generally has been successful,” and further states that, “we find it in the public interest to expand competition among certified coordinators to the 800 and 900 MHz PLMR frequencies.”<sup>15</sup>

In the Commission’s Refarming proceeding, it stated that competition in frequency coordination could be introduced when a majority of communications systems in the radio

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required to use the services of an I/B frequency coordinator and no I/B applicant should be required to use the services of a P/S frequency coordinator.

<sup>13</sup> NPRM at ¶ 12.

<sup>14</sup> For example, ITA uploads new ULS data on a daily basis, in addition to uploading data directly from other frequency coordinators or the engineering service they use on a daily basis, if not multiple times a day.

<sup>15</sup> 800/900 Competition Order at ¶ 6.

services “are used in a similar fashion — for support of day-to-day business activities.”<sup>16</sup> P/S and I/B equipment is typically the same, and these respective systems are frequently used in the same manner — for daily work-related operations, whether business is considered fire protection, police protection, manufacturing, forestry conservation, pipeline regulation, transportation safety or heavy construction. ITA has been coordinating wide-area systems, much like those used by public safety licensees seeking reliability through exclusivity, for many years and as such understands the importance of accuracy in coordination and its role in system reliability for mission-critical and safety-of-life licensees. As an example, ITA supplies system engineering and frequency coordination services for the American Petroleum Institute and additionally acts as the point of contact for concurrence should any industrial/business applicant seek frequencies on former petroleum pool channels.

#### **IV. Conclusion**

Competition, as the Commission is well aware, promotes more accurate analysis, timely notification, reduced costs and reduced time required for coordination. The Commission and the PMRS industry has enjoyed the benefits of competition through success stories in the I/B pool and the Local Government Radio Service below 512 MHz, as well as in the P/S and I/B pools (separately) at 700 MHz, 800 MHz and 900 MHz. The need for further competition among coordination services in the P/S and I/B pools is apparent and achievable in very short order. Noting that competitive coordination services are in the public interest, the Commission should certify all FCC-certified Part 90 frequency coordinators to perform frequency coordination for P/S and I/B applicants in the PMRS bands.

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<sup>16</sup> Refarming Second Report and Order at ¶ 40.

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Date: December 5, 2002

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